

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, September 6, 2016 at 7:00 p.m., with the following members present:

Brad Lail
Vernon Tarlton
Danny Seaver

Aldermen

Hank Guess
David P. Zagaroli
Jill Patton

A quorum was present.

Also present were: Interim City Manager Andrea Surratt, Assistant City Manager Rodney Miller, Deputy City Attorney Arnita Dula, City Attorney John W. Crone, III, Deputy City Clerk Cari Burns and City Clerk Debbie D. Miller

- I. Mayor Pro Tempore Lail called the meeting to order. All Council members were present except for Mayor Wright.
- II. Invocation by Rev. Whit Malone, Pastor First Presbyterian Church
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
 - A. Mr. Victor Herbster, 1330 10th Street Place NW, Hickory, regarding All-Way Stop at the Intersections of 14th Avenue NW.

Mr. Victor Herbster addressed City Council regarding the installation of all-way stops at the intersections of 14th Avenue NW. Mr. Herbster advised he was a twenty plus year resident of Hickory, living at 1330 10th Street Place NW, which was a side street off of 14th Avenue Drive NW. He requested that Council vote no on Consent Agenda Item "Q", which was a traffic calming proposal to place a series of all-way stops along 14th Avenue and 14th Avenue Drive NW. The purpose being to slow what "appears to be speeding along this road" per the City's Traffic Department. He advised for 20 years he had jogged, walked, biked and driven this road daily. He had seen speeders, but did not feel threatened or unsafe. In 20 years he could count on one hand the number of times he had encountered police enforcement along 14th Avenue and 14th Avenue Drive NW. He stated that was hardly a sign that there is a problem along this roadway. In the instance of this petition, which is a traffic calming petition, from April 21st when he received a confirmation letter from the Traffic Department, until September 6th, he had encountered one police enforcement on this roadway. He commented that doesn't hardly indicate any kind of a problem. He didn't know if Council had received any citizen feedback regarding any issues along this roadway or not, if they had it had not been vocalized.

Mr. Herbster commented that studies from individual States and from the Federal Highway Department, as well as the Institute of Traffic Engineers, call into question the use of multiple stop signs to slow traffic. Studies have shown often that speed increases after stopping at these stop signs, especially when they are specifically placed in the role of speed containment. Studies have also found that drivers exhibit hostile attitudes towards these signs. This only serves to increase the number of drivers who simply choose to run through the stop signs creating an additional traffic enforcement issue on this roadway. The first being the proposed speed of the cars, the second being putting up these signs and then having to enforce the all-way stop. He asked Council to see for themselves and to go and sit and observe drivers actions at the all-way stop on 2nd Street NW, which is the Lake Hickory Country Club Tennis Courts. He also advised them to sit along 9th Avenue NE which is directly behind St. Aloysius Church. He advised there was a four-way stop one block north and east of 14th Avenue Drive which is 15th Avenue NW and 4th Street NW. He requested that Council go and observe the runners there. He asked Council to vote no against the upcoming Consent Agenda Item "Q". Changing and installing the signage and markings along 14th Avenue would be simple. He asked Council to consider this, don't create a new problem by voting to install all-way stops in order to correct what is a minor issue. Enforcement of the current 25mph speed limit on 14th Avenue is the correct action and a no vote is the correct answer here. He thanked Council.

- B. Mr. Bill Pope, 129 3rd Avenue SW, Hickory, addressed City Council regarding Ridgeview Community concerns. He advised that this was his first City Council meeting. His brother Larry Pope previously attended just about every City Council meeting and would come back and talk about it with him. Since Larry had passed he felt the need to speak to City Council. He had concerns with the Ridgeview Community, located in Ward 4, represented by Alderman Guess. He advised that he owned Ridgeview Laundromat in the area, and had owned it for 11 years. He stated that he traveled up and down 1st Street and South Center Street for those years. He advised he was 67 and was born and raised here, staying on 3rd Avenue. His concern was the lighting on 1st Street. There were 16 street lights out starting at Clark Tire running down 1st Street going south to Tasty's. On South Center Street from Clark Tire to the old gas station on 127 there were eight lights out along that thoroughfare. He commented that the people that live in that community feel like the City doesn't care about what goes on in the Ridgeview Community.

Mr. Pope advised that they just had a series of Brownfield meetings with the City Planner's last week for three days at the Ridgeview Recreation Center. He didn't see Alderman Guess at these meetings as the Representative of their community, trying to listen to some of the concerns of the community. There were a number of things that were brought out that the City should be aware of and should try to remedy in that area: 1) Sidewalks leading from 11th Avenue to McDonald's. The people have to walk in the street there to get from 11th Avenue to McDonald's; 2) Sidewalks that cross the bridge over 70 to Southside. There are no sidewalks, they have to walk in the street there. He commented that the City is actively improving some of the Parks around town. He commended the City for that. He advised that at Southside there were two swings and a little climbing bar. Nothing had been done to that Park since the time it had been put in over there. He commented it is little things like that, which seems that the City is not concerned with what goes on in the community there. He would like to see Council pay a little bit more attention to that. He asked Council for whatever help they could give them there. It would be appreciated. He thanked City Council for their time and advised that they would be seeing him again.

- C. Mr. Johnny McGuire, 663 14th Avenue NW, Hickory, addressed City Council regarding the installation of the all-way stops at the intersections of 14th Avenue NW. He thanked Council for allowing him and the residents of 14th Avenue and 14th Avenue Drive for the opportunity to voice their concerns about their neighborhood. He advised the process started about a year ago. It was very apparent that there was a major problem there with speeding cars. The study was done. During that period of time, coming off of 6th Street and going west on 14th Avenue, and coming the other way heading east on 14th Avenue, there were 47 vehicles clocked at going 75 mph faster. If that is not enough reason in itself to do something about the problem out there, he didn't know what else they could do. The neighborhood wants a safe neighborhood. Not just for them but for the folks that live on the adjoining streets. He advised that he had taken the lead on this process and he was passionate about getting something done about it. The process had taken about a year. When he first started he was overwhelmed. They met with Caroline Kone and he thanked her for her assistance in providing them with the information that they needed to proceed forward. He advised he received calls from people to thank him for taking the initiative to make their neighborhood safer. They went through the protocol for the City of Hickory and had overwhelming support. They even had support of folks that were not on the list for making 14th Avenue, 14th Avenue Drive and 10th Street Boulevard a safer neighborhood for everyone.

Mr. McGuire shared he had witnessed a couple strolling their child and walking their pet and were continually moving off the road with them. He commented that you could see the fright in their eyes. He spoke with them and they advised him they were scared to death walking on this road. He commented that folks need a place to walk and get out with their families. He told the couple that he was going to a meeting and asked them what they would like to say to Council? He advised they wanted him to ask Council to please pass this out here. They were appreciative of them doing this, they want a safe neighborhood. He thanked City Council.

- D. Ms. Martha Branyon, 1008 14th Avenue Drive NW, addressed City Council regarding the installation of the all-way stops at the intersections of 14th Avenue NW. Ms. Branyon advised that she was in the curve where 14th becomes 14th Avenue Drive. They had lived there for 27 years and had seen ongoing traffic issues. The City had been great to work with them. Lowering the speed limit a few years ago to 25 mph and most recently doing a traffic study that showed that virtually no one is traveling 25 mph, and most everyone is going far, far faster. Their street is a walking street because it is flat, straight, and a nice place to walk. It is a very unsafe place to walk currently because of the speed. They felt like it was a serious health issue. She hoped that Council would consider this as the best thing that they could try to make their street safer. She thanked Council.
- E. Ms. Leslie Stoll, 1310 10th Street Blvd NW, addressed City Council regarding the installation of the all-way stops at the intersections of 14th Avenue NW. She advised she lived at the corner of 14th Avenue Drive and 10th Street Boulevard NW. During the weeklong speed study conducted by the City of Hickory an alarming 47 cars exceeded 75 mph while traveling down 14th Avenue. That is more than 6 cars a day traveling at a deadly speed down a neighborhood road. Their neighborhood road where their children and pets are out walking, running, and cycling on a daily basis. She commented that everyone is familiar with the saying "the road to hell is paved with good intentions", and in this particular instance the saying takes on a very literal meaning. Most of the folks that are against the proposed stop signs are relying on the good intentions of the folks that are passing through their neighborhood and abiding by the 25 mph speed limit, or the good intentions of the Hickory Police Department to patrol their neighborhood at all hours of the day and night writing tickets for speeders. But unfortunately, as the speed study results clearly exhibit this isn't the reality and continuing to rely on the good intentions will only lead to a potentially damaging or deadly outcome. If they don't install the stop signs now, it is only a matter of time before something really frightening happens to one of their own. She urged Council to vote yes to the stop signs. She thanked Council.

Mayor Pro Tempore Lail asked if anyone else wanted to speak before City Council on any matter.

- F. Ms. Katie Bagnato, 1026 14th Ave Drive NW, addressed City Council regarding the installation of the all-way stops at the intersections of 14th Avenue NW. Her home was located towards the end if you are headed towards 321. In the eight months of time that she and her fiancé had lived in the neighborhood, they have called the police at least ten times for people speeding. It is a major speeding issue and she would like to have a safer neighborhood before they have children. With dogs it is a very unsafe. She urged Council to vote yes as well.
- G. Mr. Craig Keenan, 1014 14th Ave Drive NW, addressed City Council regarding the installation of the all-way stops at the intersections of 14th Avenue NW. He encouraged City Council to vote yes for the stop signs. He advised that he was not one to be overly concerned about safety issues, but the speeding problem on their street is driven by the fact that people use it as a cut through to avoid Geitner Road. They were not exaggerating relative to the amount of speeding that goes on. He advised that approximately three years ago, it was in the winter, but it still demonstrates the problem, there was a car that came around the corner where the Branyons live, lost control of his car and hydroplaned 30 yards across their neighbors front yard. He was watching it, saying someone is going to die right here. He advised it was like that constantly no matter what the weather conditions. To him it would be foolish to vote no because what Council will be dealing with is the risk of having a pedestrian killed one day. That is how bad it is and he can see it happening. He commented not to be an alarmist but he thought that would be the outcome if they don't get some changes made to that street.

Mayor Pro Tempore Lail stated that Council sets aside the time at the first of the Agenda to hear public comment on any matter. He commented that Council had heard a lot about Item "Q" on the Consent Agenda. He advised that the Agendas were located out front if anyone needed a copy. He stated when Council came to that item he would ask for it to be removed from the Consent Agenda for further discussion. He thanked Mr. Pope for coming and the items related to the repairs were noted and those would be turned in as action items. He thanked the citizens for speaking.

VI. Approval of Minutes

A. Regular Meeting of August 16, 2016

Alderman Seaver moved, seconded by Alderwoman Patton that the Minutes of August 16, 2016 be approved. The motion carried unanimously.

Mayor Pro Tempore Lail announced that the motion was made by Alderman Seaver seconded by Alderwoman Patton and the motion carried unanimously.

B. Special Meeting of August 24, 2016

Alderwoman Patton moved, seconded by Alderman Seaver that the Minutes of the Special Meeting of August 24, 2016 be approved. The motion carried unanimously.

Mayor Pro Tempore Lail announced that the motion was made by Alderwoman Patton seconded by Alderman Seaver and the motion carried unanimously.

VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.

Alderwoman Patton moved, seconded by Alderman Zagaroli that the following be reaffirmed and ratified on second reading. The motion carried unanimously.

Mayor Pro Tempore Lail announced that the motion was made by Alderwoman Patton seconded by Alderman Zagaroli and the motion carried unanimously.

- A. Approval to Purchase 75 Dell Latitude 14 Rugged Laptops from GovConnection at a Total Cost of \$115,857.75. (First Reading Vote: Unanimous)
- B. Acceptance of a Temporary Construction Easement and Permanent Easement for the Property of Capital Concepts Properties Limited Partnership Described as PIN 3702-13-14-6529. (First Reading Vote: Unanimous)
- C. Acceptance of a Temporary Construction Easement and Permanent Easement for the Property of Gateway 4 Properties, LLC Described as PIN 3702-09-15-6460. (First Reading Vote: Unanimous)

- D. Acceptance of a Temporary Construction Easement and Permanent Easement for the Property of Walter Stephen Ikerd Described as PIN 3702-13-14-4561. (First Reading Vote: Unanimous)
 - E. Acceptance of a Temporary Construction Easement and Permanent Easement for the Property of Record Properties, Inc. Described as PIN 3703-19-50-1523. (First Reading Vote: Unanimous)
 - F. Acceptance of a Temporary Construction Easement for the Property of John G. Millholland, David K. Millholland and Marjorie M. Meyer Described as PIN 3703-19-50-0534. (First Reading Vote: Unanimous)
 - G. Acceptance of a Temporary Construction Easement and Permanent Sanitary Sewer/Storm Drainage Easement for the Property of Alpha Office Group, LLC Described as PIN 3702-07-59-1906. (First Reading Vote: Unanimous)
 - H. Acceptance of a 25 Foot Temporary Construction Easement and a 25 Foot Permanent Easement for the Property of Jerry Lynn Hefner Described as PIN 3724-18-31-6143. (First Reading Vote: Unanimous)
 - I. Acceptance of the Bid and Award the Contract to Maymead, Inc. for Pavement Resurfacing with Fiscal Year 2016-2017 Federal Funds. (First Reading Vote: Unanimous)
 - J. Acceptance of the Bid and Award the Contract to Maymead, Inc. for Pavement Resurfacing for Fiscal Year 2016-2017. (First Reading Vote: Unanimous)
 - K. Budget Revision Number 4. (First Reading Vote: Unanimous)
 - L. Approval of the Contract with AMEC Foster Wheeler in the Total Lump Sum Amount of \$1,095,151 for the City Walk Project including \$997,971 for Design Services, \$5,000 for Subsurface Utility Location, \$12,600 for Right of Way Document Preparation, \$29,580 for Site Visits/Inspections During Construction, and \$50,000 for Expenses, Fees and Permits Related to Other Agencies Including but not limited to NCDOT, Norfolk Southern Railroad, the State of North Carolina, Duke Energy and Catawba County Building Services as necessary. (First Reading Vote: Unanimous)
 - M. Approval of the Design Services Contract to AMEC Foster Wheeler in the Total Lump Sum Amount of \$32,956 for the Highway 321 Gateways at Clement Boulevard and at Highway 70 including \$25,700 for Design Services, \$2,200 for Bid Letting Assistance and Construction Site Visits, \$1,400 for Regulatory Permits, \$1,800 for Expenses as necessary, and \$1,856 for Uniform Temporary Signage Design. (First Reading Vote: Unanimous)
 - N. Approval of Settlement Agreement Re: Willie James Grimes vs City of Hickory, et. al. File No. 5:14-CV-160. (First Reading Vote: Unanimous)
 - O. Budget Ordinance Amendment Number 26. (First Reading Vote: Unanimous)
 - P. Budget Revision Number 5. (First Reading Vote: Unanimous)
- VIII. Consent Agenda: All items below are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.

Mayor Pro Tempore Lail requested that Item "Q" be removed from the Consent Agenda.

Alderman Guess moved, seconded by Alderman Tarlton approval of the Consent Agenda with the exception of Item "Q". The motion carried unanimously.

Mayor Pro Tempore Lail announced that the motion was made by Alderman Guess seconded by Alderman Tarlton and the motion carried unanimously.

- A. Approved the Certificate of Sufficiency and Preliminary Resolution Relative to Street Improvements along a Portion of the 5th Street Place NW, Petition No. 16-01. (Authorize Public Hearing for October 4, 2016, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

Certificate of Sufficiency
(No. 16-01)

I, Debbie D. Miller, City Clerk of the City of Hickory, North Carolina, do hereby certify that the annexed petition of property owners for the improvement of a portion of 2024 5th Street Place NW, Hickory was lodged with me on the 11th day of August, 2016, and that I have

investigated the sufficiency of said petition; and that the results of my investigation are as follows:

The total number of owners of land abutting on the parts of said street proposed by said petition to be improved is one (1). The number of said owners who signed said petition is one (1), a majority.

The total number of lineal feet of said lands upon the parts of the street proposed by said petition to be improved is 88.99 feet. The number of said lineal feet represented by said owners who signed said petition is 88.99 feet, a majority.

For the purposes of said petition a majority in interest of owners of undivided interest in any piece of property have been deemed and treated by me as one person.

I find that the said petition is in all respects sufficient and in conformity with all requirements of Chapter 160 A, Article 10 of the General Statutes of North Carolina, as amended. I find also the parts of said street proposed by said petition to be improved have been definitely laid out, and that the boundaries of same have been definitely fixed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory, this the 11th day of August, 2016.

/s/ Debbie D. Miller, City Clerk

RESOLUTION NO. 16-19
PRELIMINARY RESOLUTION
OF THE CITY COUNCIL OF THE CITY OF HICKORY
(NO. 16-01)

WHEREAS, on the 4th day of March, 2016, property owner of 2024 5th Street Place NW, Hickory, filed with the City Engineer of the City of Hickory a petition for improving said street by placing and constructing thereon curb and gutter according to plans and specifications on file in the Office of the City Engineer; and

WHEREAS, the City Clerk has certified to this Board that said petition is sufficient in all respects.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HICKORY:

1. That the above-mentioned petition is found to be sufficient in all respects.
 2. That, that portion of 2024 5th Street Place NW, Hickory be improved by placing and constructing thereon curb and gutter in accordance with plans and specifications on file in the Office of the City Engineer under and by virtue of Chapter 160A, Article 10 of the General Statutes of North Carolina, and that said improvements be done by the City of Hickory or by contract after due notice and advertisement for bids, as outlined by Chapter 143, Section 129 of the General Statutes of North Carolina.
 3. That 50 percent of the total cost of the said improvements may be assessed against the property receiving the improvement for constructing curb and gutter - \$24.00 per linear foot plus \$0.00 per linear foot for storm drain piping for a total of \$24.00 per linear foot excluding driveway cuts and \$48.50 per linear foot of driveway apron measured at its narrowest point plus \$0.00 per linear foot for storm drain piping for a total of \$48.50 per linear foot of driveway apron.
 4. That the assessment herein provided for shall be payable in cash, or if the property owners shall so elect, in accordance with Chapter 160A, Sections 232 and 233 of the General Statutes of North Carolina, they shall have the option and privilege of paying the assessment in five (5) equal annual installments, to bear interest at the rate of 8 percent per annum.
 5. That a public hearing on all matters covered by this resolution shall be held on October 4, 2016, at 7:00 p.m. in the Council Chamber of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.
- B. Approved Certificate of Sufficiency and Preliminary Resolution Relative to Street Improvements along a Portion of the Southside of the 900 Block of 4th Avenue Drive NW, Petition No. 16-03. (Authorize Public Hearing for October 4, 2016, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

Certificate of Sufficiency
(No. 16-03)

I, Debbie D. Miller, City Clerk of the City of Hickory, North Carolina, do hereby certify that the annexed petition of property owners for the improvement of a portion of 915 4th Avenue Drive NW, Hickory was lodged with me on the 11th day of August, 2016, and that I have investigated the sufficiency of said petition; and that the results of my investigation are as follows:

The total number of owners of land abutting on the parts of said street proposed by said petition to be improved is one (1). The number of said owners who signed said petition is one (1), a majority.

The total number of lineal feet of said lands upon the parts of the street proposed by said petition to be improved is 189.23 feet. The number of said lineal feet represented by said owners who signed said petition is 189.23 feet, a majority.

For the purposes of said petition a majority in interest of owners of undivided interest in any piece of property have been deemed and treated by me as one person.

I find that the said petition is in all respects sufficient and in conformity with all requirements of Chapter 160 A, Article 10 of the General Statutes of North Carolina, as amended. I find also the parts of said street proposed by said petition to be improved have been definitely laid out, and that the boundaries of same have been definitely fixed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory, this the 11th day of August, 2016.

/s/ Debbie D. Miller, City Clerk

RESOLUTION NO. 16-20
PRELIMINARY RESOLUTION
OF THE CITY COUNCIL OF THE CITY OF HICKORY
(NO. 16-03)

WHEREAS, on the 28th day of July, 2016, property owner of 915 4th Avenue Drive NW, Hickory, filed with the City Engineer of the City of Hickory a petition for improving said street by placing and constructing thereon curb and gutter according to plans and specifications on file in the Office of the City Engineer; and

WHEREAS, the City Clerk has certified to this Board that said petition is sufficient in all respects.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HICKORY:

1. That the above-mentioned petition is found to be sufficient in all respects.
 2. That, that portion of 915 4th Avenue Drive NW, Hickory be improved by placing and constructing thereon curb and gutter in accordance with plans and specifications on file in the Office of the City Engineer under and by virtue of Chapter 160A, Article 10 of the General Statutes of North Carolina, and that said improvements be done by the City of Hickory or by contract after due notice and advertisement for bids, as outlined by Chapter 143, Section 129 of the General Statutes of North Carolina.
 3. That 50 percent of the total cost of the said improvements may be assessed against the property receiving the improvement for constructing curb and gutter - \$24.25 per linear foot plus \$0.00 per linear foot for storm drain piping for a total of \$24.25 per linear foot excluding driveway cuts and \$48.75 per linear foot of driveway apron measured at its narrowest point plus \$0.00 per linear foot for storm drain piping for a total of \$48.75 per linear foot of driveway apron.
 4. That the assessment herein provided for shall be payable in cash, or if the property owners shall so elect, in accordance with Chapter 160A, Sections 232 and 233 of the General Statutes of North Carolina, they shall have the option and privilege of paying the assessment in five (5) equal annual installments, to bear interest at the rate of 8 percent per annum.
 5. That a public hearing on all matters covered by this resolution shall be held on October 4, 2016, at 7:00 p.m. in the Council Chamber of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.
- C. Called for a Public Hearing – Voluntary Contiguous Annexation of a Portion of the Street Right of Way Located at 42nd Avenue Drive NW. (Authorize Public Hearing for September 20, 2016, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 16-21
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED
UNDER G.S. 160A-31 AND/OR 160A-58.1, AS AMENDED

WHEREAS, a petition from Moore's Ferry Associates LLC and The Horsebarn, LLC requesting annexation of an area described in a petition was received on August 12, 2016 by the City Council of the City of Hickory; and

WHEREAS, G.S. 160A-31 and G.S. 160A-58.1 provide that the sufficiency of the petition shall be investigated by the Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Hickory deems it advisable to proceed in response to this request for annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HICKORY:

THAT, the Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

CERTIFICATE OF SUFFICIENCY

TO THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

I, Debbie D. Miller, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31 and/or G.S. 160A-58.1, as amended:

Property of Moore's Ferry Associates, LLC and The Horsebarn, LLC, for the street right of way located at 42nd Avenue Drive NW, Hickory NC, containing 1.1 acre more or less.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 12th August, 2016.

/s/ Debbie D. Miller, City Clerk

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION,
PURSUANT TO G.S. 160A-31 OR G.S. 160A-58.1, AS AMENDED

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council of the City of Hickory has, by Resolution, directed the clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Clerk as to the sufficiency of said petition has been made.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HICKORY:

Section 1: That a public hearing on the question of annexation of the area described herein will be held at 7:00 p.m. on September 20, 2016 in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 2: The area proposed for annexation is described as follows:

Property of Moore's Ferry Associates, LLC and The Horsebarn, LLC, for the street right of way located at 42nd Avenue Drive NW, Hickory NC, containing 1.1 acre more or less.

Section 3: Notice of said public hearing shall be published in *The Hickory Daily Record*, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

RESOLUTION NO. 16-22

A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OWNED BY MOORE'S

FERRY ASSOCIATES, LLC AND THE HORSEBARN, LLC AND CALLING FOR A PUBLIC HEARING ON THE SAME

WHEREAS, Moore's Ferry Associates, LLC and The Horsebarn, LLC are the owners of certain real property as described herein, which property is located at 42nd Avenue Drive NW, Hickory containing 1.1 acre more or less; and

WHEREAS, such property is immediately adjacent to the existing corporate limits of the City of Hickory; and

WHEREAS, it is in the best interest of the health, safety and well-being of the residents of the City of Hickory to annex such property into the corporate limits of the City of Hickory as authorized by N.C.G.S. Section 160A-31; and

NOW, THEREFORE BE IT RESOLVED by the Hickory City Council, sitting in open session this 6th day of September 2016, at a regularly scheduled meeting of the governing body of said Council, duly called and posted in accordance with the statutes of the State of North Carolina, as follows:

Section 1: That the Hickory City Council does determine that it is in the best interest of the health, safety and well-being of the residents of the City of Hickory to annex the property described hereinafter into the corporate limits of the City of Hickory.

Section 2: That a public hearing on the question of annexation of the area described herein will be held at 7:00 p.m. on September 20, 2016, in the Council Chamber of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 3: The same being that property reflected on a maps entitled Voluntary Contiguous Annexation 42nd Avenue Drive NW Street Right of Way Map 1, Existing City Boundary, outlined in red; Voluntary Contiguous Annexation 42nd Avenue Drive NW Street Right of Way Map 2, Existing Land Use, subject property outlined in red; Voluntary Contiguous Annexation 42nd Avenue Drive NW Street Right of Way Map 3, Existing Zoning, subject property outlined in red.

Section 4: Notice of said public hearing shall be published in The Hickory News, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

- D. Called for a Public Hearing – Voluntary Satellite Annexation of 3.18 Acres Located at 2520 and 2530 Brookford Boulevard (NC 127 South) (Authorize Public Hearing for September 20, 2016, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 16-23
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31 AND/OR 160A-58.1, AS AMENDED

WHEREAS, a petition from REC Group II, LLC requesting annexation of an area described in a petition was received on August 15, 2016 by the City Council of the City of Hickory; and

WHEREAS, G.S. 160A-31 and G.S. 160A-58.1 provide that the sufficiency of the petition shall be investigated by the Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Hickory deems it advisable to proceed in response to this request for annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HICKORY:

THAT, the Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

CERTIFICATE OF SUFFICIENCY

TO THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

I, Debbie D. Miller, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31 and/or G.S. 160A-58.1, as amended:

2520 and 2530 Brookford Boulevard (NC 127 S) containing 3.18 acres more or less.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 15th August, 2016.

/s/ Debbie D. Miller, City Clerk

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION,
PURSUANT TO G.S. 160A-31 OR G.S. 160A-58.1, AS AMENDED

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council of the City of Hickory has, by Resolution, directed the clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Clerk as to the sufficiency of said petition has been made.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HICKORY:

Section 1: That a public hearing on the question of annexation of the area described herein will be held at 7:00 p.m. on September 20, 2016 in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 2: The area proposed for annexation is described as follows:

Property of REC Group II, LLC located at 2520 and 2530 Brookford Boulevard (NC 127 S) containing 3.18 acres more or less.

Section 3: Notice of said public hearing shall be published in The Hickory Daily Record, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

RESOLUTION NO. 16-24

A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OWNED BY REC GROUP II LLC AND CALLING FOR A PUBLIC HEARING ON THE SAME

WHEREAS, REC Group II LLC is the owner of certain real property as described herein, which property is located at 2520 and 2530 Brookford Boulevard (NC 127 S), Hickory containing 3.18 acres more or less; and

WHEREAS, such property is currently located in the City's extra-territorial jurisdictional (ETJ); and

WHEREAS, it is in the best interest of the health, safety and well-being of the residents of the City of Hickory to annex such property into the corporate limits of the City of Hickory as authorized by N.C.G.S. Section 160A-31; and

NOW, THEREFORE BE IT RESOLVED by the Hickory City Council, sitting in open session this 6th day of September 2016, at a regularly scheduled meeting of the governing body of said Council, duly called and posted in accordance with the statutes of the State of North Carolina, as follows:

Section 1: That the Hickory City Council does determine that it is in the best interest of the health, safety and well-being of the residents of the City of Hickory to annex the property described hereinafter into the corporate limits of the City of Hickory.

Section 2: That a public hearing on the question of annexation of the area described herein will be held at 7:00 p.m. on September 20, 2016, in the Council Chamber of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 3: The same being that property reflected on a maps entitled REC Group II, LLC, Voluntary Non-Contiguous Annexation Map 1, Jurisdictional Area, subject property outlined in red; REC Group II, LLC, Voluntary Non-Contiguous Annexation Map 2, Zoning, subject property outlined in red; REC Group II, LLC, Voluntary Con-Contiguous Annexation Map 3, 2014 Aerial Photo, subject property outlined in red.

Section 4: Notice of said public hearing shall be published in The Hickory News, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

- E. Called for a Public Hearing – Voluntary Contiguous Annexation of 2.135 Acres Located at 826 and 828 21st Street Drive SE, and 857, 863, and 903 23rd Street Court SE. (Authorize Public Hearing for September 20, 2016, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 16-25

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31 AND/OR 160A-58.1, AS AMENDED

WHEREAS, a petition from US Conec Ltd. requesting annexation of an area described in a petition was received on August 16, 2016 by the City Council of the City of Hickory; and

WHEREAS, G.S. 160A-31 and G.S. 160A-58.1 provide that the sufficiency of the petition shall be investigated by the Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Hickory deems it advisable to proceed in response to this request for annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HICKORY:

THAT, the Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

CERTIFICATE OF SUFFICIENCY

TO THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

I, Debbie D. Miller, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31 and/or G.S. 160A-58.1, as amended:

826 and 828 21st Street Drive SE, and 857, 863, and 903 23rd Street Court SE, Hickory.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 16th August, 2016.

/s/ Debbie D. Miller, City Clerk

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION, PURSUANT TO G.S. 160A-31 OR G.S. 160A-58.1, AS AMENDED

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council of the City of Hickory has, by Resolution, directed the clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Clerk as to the sufficiency of said petition has been made.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HICKORY:

Section 1: That a public hearing on the question of annexation of the area described herein will be held at 7:00 p.m. on September 20, 2016 in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 2: The area proposed for annexation is described as follows:

Property of US Conec, Ltd. Located at 826 and 828 21st Street Drive SE, and 857, 863, and 903 23rd Street Court SE, Hickory, containing 2.135 acres more or less.

Section 3: Notice of said public hearing shall be published in The Hickory Daily Record, a newspaper having general circulation in the City of Hickory, at

least ten (10) days prior to the date of said public hearing.

RESOLUTION NO. 16-26

A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OWNED BY US CONEC, LTD. AND CALLING FOR A PUBLIC HEARING ON THE SAME

WHEREAS, US Conec, Ltd., is the owner of certain real property as described herein, which property is located at 826 and 828 21st Street Drive SE, and 857, 863, and 903 23rd Street Court SE, Hickory containing 2.135 acres more or less; and

WHEREAS, such property is immediately adjacent to the existing corporate limits of the City of Hickory; and

WHEREAS, it is in the best interest of the health, safety and well-being of the residents of the City of Hickory to annex such property into the corporate limits of the City of Hickory as authorized by N.C.G.S. Section 160A-31; and

NOW, THEREFORE BE IT RESOLVED by the Hickory City Council, sitting in open session this 6th day of September 2016, at a regularly scheduled meeting of the governing body of said Council, duly called and posted in accordance with the statutes of the State of North Carolina, as follows:

- Section 1: That the Hickory City Council does determine that it is in the best interest of the health, safety and well-being of the residents of the City of Hickory to annex the property described hereinafter into the corporate limits of the City of Hickory.
- Section 2: That a public hearing on the question of annexation of the area described herein will be held at 7:00 p.m. on September 20, 2016, in the Council Chamber of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.
- Section 3: The same being that property reflected on a maps entitled US Conec, Ltd. Voluntary Contiguous Annexation Map 1. Jurisdictional Area, subject property outlined in red; US Conec, Ltd. Voluntary Contiguous Annexation Map 2. Zoning, subject property outlined in red; and US Conec, Ltd. Voluntary Contiguous Annexation Map 3. 2014 Aerial Photo, subject property outlined in red.
- Section 4: Notice of said public hearing shall be published in The Hickory News, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.
- F. Called for a Public Hearing – Consideration of Vacant Building Demolition Grant for Jerry Lee Pruitt, LLC for Property Located at 212 12th Avenue NE, the former Regal Manufacturing building. (Authorize Public Hearing for September 20, 2016, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).
- G. Called for a Public Hearing – Consideration of FY 2015-2016 Consolidated Annual Performance and Evaluation Report (CAPER). (Authorize Public Hearing for September 20, 2016, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).
- H. Approved the Special Event Activities Application Children's Advocacy & Protection Center's Vigil, Kate Landry, Community Education & Outreach Coordinator, Children's Advocacy & Protection Center, October 25, 2016, 10:30 a.m. to 1:30 p.m., the Sails on the Square.
- I. Approved the Updated Special Event Activities Application for Downtown Farmers Market 2016, Sarah Taylor Wood, Manager, Downtown Hickory Farmers Market, addition of the Livermush Festival, September 10, 2016, 8:00 a.m. to 1:00 p.m. Hickory Farmer's Market, Sails on the Square.
- J. Approved the Special Event Activities Application Western North Carolina Chili Cook Off, Andrea Beatty, Chili Cook Off Coordinator, Shooting Stars Hickory Gymnastics Booster Club, September 17, 2016, 8:00 a.m. to 7:00 p.m., LP Frans Stadium.
- K. Approved on First Reading the Acceptance of a Temporary Construction Easement and Permanent Easement for the Property of Amerco Real Estate Company Described as PIN 3702-14-44-3045.

Staff requests acceptance of a temporary construction easement and a permanent easement for the property of Amerco Real Estate Company described as PIN 3702-14-44-

3045 for installation of utilities infrastructure. The easements are necessary for completion of the Geitner Basin Replacement/Rehabilitation Project. This project is completely funded through a loan to the City as a State Revolving Loan by NCDEQ-IFS in 2016 in the amount of \$3.5 million dollars. The easement was negotiated for a total sum of recording fees in exchange for the easement. Staff recommends acceptance of a temporary construction easement and a permanent easement for the property of Amerco Real Estate Company described as PIN 3702-14-44-3045 for installation of utilities infrastructure.

- L. Approved on First Reading the Acceptance of a Temporary Construction Easement and Permanent Easement for the Property of Ken Van Norstrand Described as PIN 3702-14-33-3509.

Staff requests acceptance of a temporary construction easement and a permanent easement for the property of Ken Van Norstrand described as PIN 3702-14-33-3509 for installation of utilities infrastructure. The easements are necessary for completion of the Geitner Basin Replacement/Rehabilitation Project. This project is completely funded through a loan to the City as a State Revolving Loan by NCDEQ-IFS in 2016 in the amount of \$3.5 million dollars. The easement was negotiated for a total sum of recording fees in exchange for the easement. Staff recommends acceptance of a temporary construction easement and a permanent easement for the property of Ken Van Norstrand described as PIN 3702-14-33-3509 for installation of utilities infrastructure.

- M. Approved on First Reading the Purchase of Three Fairbanks Nijhuis Pumps from Clearwater, Inc. in the Amount of \$113,910 for the Renovation Project for the Moose Club Lift Station.

The Moose Club Lift Station was originally constructed in the 1960's as a major component of the City of Hickory public utilities system. The station was expanded and upgraded in the mid-1980's to its current size and location. The lift station is the main station for the public utility system inside the City and is a critical component of the overall operation. This station handles all sewer in the area bordered by Main Avenue to 21st Avenue NW and Highway 127 to the lake, as well as MDI and a portion of 321 in Hickory. Staff requests Council's approval to purchase three Fairbanks Nijhuis pumps from Clearwater, Inc. as a component of the renovation project for the Moose Club Lift Station in the amount of \$113,910. The department is requesting sole source with Fairbanks Nijhuis on these pumps due to the pumps being direct replacement for the existing pumps. Prices were requested from ITT Flygt and ABS and were very close to the same price, however those type pumps would require changing the bases, concrete pedestals and inlet and exit piping arrangements thereby increasing the price and level of work. This project is budgeted in Public Utilities' FY16/17 Capital Budget. Staff recommends approval of the purchase of three Fairbanks Nijhuis pumps from Clearwater, Inc. in the amount of \$113,910.

- N. Approved on First Reading the Purchase of One Duperon Adaptive Technology Mechanical Bar Screen with Washer-Compactor and Controls from Duperon Adaptive Technology in the Amount of \$130,000.

The Moose Club Lift Station was originally constructed in the 1960's as a major component of the City of Hickory public utilities system. The station was expanded and upgraded in the mid-1980's to its current size and location. The lift station is the main station for the public utility system inside the City and is a critical component of the overall operation. This station handles all sewer in the area bordered by Main Avenue to 21st Avenue NW and Highway 127 to the lake, as well as MDI and a portion of 321 in Hickory. Staff solicited proposals for this type of screen and received two responses which meet all conditions: WesTech Clean Flo Mechanical Bar Screen, \$120,000; and Duperon Adaptive Technology Mechanical Bar Screen, \$130,000. Staff requests Council's approval to purchase the Duperon Adaptive Technology Mechanical Bar Screen with washer-compactor and controls directly from Duperon Adaptive technology due to the history of this type and brand of screen at other locations the City owns and operations, spare parts are included in this price and not included in the WesTech price, and the Duperon bar screen has a five year warranty and the WesTech bar screen has a one year warranty. The project is budgeted in Public Utilities' FY16/17 Capital Budget. Staff recommends Council's approval of the purchase of one Duperon Adaptive Technology Mechanical Bar Screen with washer-compactor and controls directly from Duperon Adaptive Technology in the amount of \$130,000.

- O. Approved a Cemetery Deed Transfer from Robert Conley to Bobby L. Herman, Fairview Cemetery, Plot 5, Lot No. 12, Section 1, Containing 80 Square Feet. (Prepared by: Attorneys Hawkins & Mace, PLLC).

- P. Approved on First Reading the Acceptance of the Low Bid and Approval of the Purchase of an Automated Side Loader Refuse Truck in the Amount of \$245,353.47 from Piedmont Peterbilt, LLC.

Staff requests the approval of the low bid meeting specifications in the amount of \$245,353.47 from Piedmont Peterbilt, LLC for the purchase of one automated side loading refuse truck. This purchase will be made from Piedmont Peterbilt, LLC in the amount of \$245,353.47 who will then pay Amick Equipment \$115,739.47 for the refuse body. This truck is for the scheduled and budgeted replacement of an automated side loading refuse truck. The City uses these automated side loader trucks for collection of refuse with our residential service. This unit is operated daily and picks up between 600 to 1,000 rollouts per day depending on the route. Staff is utilizing a piggyback from the City of Raleigh which bid on April 25, 2016 and purchased on June 24, 2016. Staff recommends City Council's approval of the purchase of the automated side loader unit through the piggyback purchase from Raleigh's bid package in the amount of \$245,353.47.

- Q. Removed from the Consent Agenda and Discussed Under "Items Removed from Consent Agenda". Approved on First Reading the Installation of an All-Way Stop at the Intersections of 14th Avenue NW at 8th Street NW, 14th Avenue NW at 10th Street NW, and 14th Avenue Drive NW at 10th Street Boulevard NW.

City Staff received a completed petition for additional traffic calming along 14th Avenue/14th Avenue Drive NW between the 600 and 1000 blocks. This same area went through traffic calming several years ago and the speed limit was reduced to 25 mph. Based on recent speed studies it appears traffic is still speeding along 14th Avenue/14th Avenue Drive NW. Following the City's Traffic Calming Guidelines, the recommendation is to install all-way stops to help the speed issue. The Traffic Division received all necessary paperwork from residents within the area with regards to the Traffic Calming Guidelines and have found the residents to be in compliance with the guidelines and the petition qualifies for the all-way stop at the three intersections listed. 110 properties were included in the petition, and 84 signed, creating more than the required 75 percent. Changing and installing the signage and markings along the roadway would be simple. Staff recommends the installation of all-way stops at the intersections of 14th Avenue NW at 8th Street NW, 14th Avenue NW at 10th Street NW, and 14th Avenue Drive NW at 10th Street Boulevard NW.

- R. Approved the Acceptance of the Grant of Six Automated External Defibrillators (AED) from Firehouse Subs Public Safety Foundation.

Hickory Police Department has been provided an opportunity to receive a grant of six automated external defibrillators from Firehouse Subs Public Safety Foundation at the recommendation of the local Firehouse Subs franchisee, Mary Punch. The Firehouse Subs Public Safety Foundation provides local police departments with lifesaving AED's to be carried by officers in their patrol cars. The police department currently has two AED's, one is housed at the police department fire arms range and the other is housed at police headquarters. The six additional AED's would provide an AED to be carried by a Commander in each of the five PACTs during each shift and one to be assigned to our Special Operations Team. The addition of six AED's would provide Hickory Police Department with an additional lifesaving tool. Hickory Police Department requests approval to accept the grant of six automated external defibrillators from Firehouse Subs Public Safety Foundation.

- S. Approved on First Reading the Purchase of Ten Specialized Police Package Emergency Vehicles for a Total Cost of \$270,751.90 from Asheville Ford.

Hickory Police Department requests approval to purchase ten specialized police package emergency vehicles. Hickory Police Department Staff and City of Hickory Fleet Manager researched and reviewed independent comparison studies comparing available police package vehicles. The 2017 Ford Police Interceptor Utility all-wheel drive best fits the needs of the department based on a number of considerations. Asheville Ford currently has the NC Sheriff's Association Contract for the 2017 Ford Police Interceptor Utility all-wheel drive with a base price of \$25,890.19. Added options that are needed will bring the cost to \$27,075.19. Hickory Police Department recommends the purchase of ten all-wheel drive 2017 Ford Police Interceptor Utility vehicles from Asheville Ford on the NC Sheriff's Association Contract at a cost of \$27,075.19 per vehicle for a total cost of \$270,751.90. Funds are budgeted in the FY 2016/2017 CIP.

- T. Approved on First Reading Budget Revision Number 6.

ORDINANCE 16-38
BUDGET REVISION NO. 6

BE IT ORDAINED by the Governing Board of the City of Hickory that, pursuant to N.C. General Statutes 159.15 and 159.13.2, the following revisions be made to the annual budget ordinance for the fiscal year ending June 30, 2017 and for the duration of the life of the Project Ordinances notes herein.

SECTION 1. To amend the General Fund within the FY 2016-2017 Budget Ordinance, the expenditures shall be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Contingency	-	62,000
TOTAL	-	62,000

To provide funds for the above, the General Fund revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Uses	62,000	-
TOTAL	62,000	-

SECTION 2. To amend the Stormwater Fund within the FY 2016-2017 Budget Ordinance, the expenditures shall be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Environmental Protection	78,000	-
TOTAL	78,000	-

To provide the funds for the above, the Stormwater revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	78,000	-
TOTAL	78,000	-

SECTION 3. To amend Capital Project #B-1B001, "Business Park 1764", the expenditures shall be changed as follows for the duration of the life of the project:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	547,385	-
TOTAL	547,385	-

To provide funds for the above, the Project revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	547,385	-
TOTAL	547,385	-

SECTION 4. To amend Capital Project #803302, "Central Business District Waterline, Sewerline, and Storm Drainage Rehabilitation", the expenditures shall be changed as follows for the duration of the life of the project:

FUNCTIONAL AREA	INCREASE	DECREASE
Water & Sewer Capital Projects	17,000	-
TOTAL	17,000	-

To provide funds for the above, the Project revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	17,000	-
TOTAL	17,000	-

SECTION 5. To amend Capital Project #B1M001, "Bond Administration", the expenditures shall be changed as follows for the duration of the life of the project:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	27,000	-
TOTAL	27,000	-

To provide the funds for the above, the Project revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	27,000	-
TOTAL	27,000	-

SECTION 6. Copies of the budget revision shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

IX. Items Removed from Consent Agenda – Item "Q".

Mayor Pro Tempore Lail felt it appropriate to have some discussion on Item “Q”. He asked for discussion on the Policy as it relates to traffic calming.

Interim City Manager Andrea Surratt requested that a map of the area in question be put on the screen. She advised that the City has a set of Traffic Calming Guidelines that are followed. The guidelines cover everything from new stop light intersections to speed humps, speed tables, stops signs, and several other opportunities to improve the safety and reduce the traffic speed or deal with another type of issue like that. These are guidelines that the City follows. It is not an Ordinance or prescribed way of doing any certain improvement, but the guidelines set forth the rules of how one brings a request in front of City Council. In this case the neighborhood followed those guidelines over a period of time. She advised that Transportation Manager Caroline Kone was present and she could address specific questions about meetings that she had with the neighborhood. There were several steps that happened prior to this petition to have the three stop signs. Reducing the speed along that roadway was the first step. The Traffic Calming Guidelines are really progressive. They don’t start with the most restrictive way of changing the traffic pattern. They start with what is the easiest, least expensive, least impactful thing that could provide the results. In that case the neighborhood still felt strongly and petitioned among themselves and submitted the paperwork and were present seeking Council’s approval. She advised that Ms. Kone could answer any questions that Council may have and could explain any further details.

Mayor Pro Tempore Lail asked if Council had any questions on the Policy or any other questions as it related to the traffic calming.

Alderman Seaver commented he was driving by the new pavilion at Kiwanis Park and a car came around the curve and passed them. He said there was an officer sitting on the intersecting street but he did not know if he even saw it or could catch him in time. They waved the officer down and told him. He commented that you can put all the signs that you want up, if they are not going to read them or follow them it is not going to make any difference. The only thing that he had seen that really works is speed tables. He has watched the speed tables in front of Hickory High School. A few transmissions fall out, and exhaust systems goes, you will slow down. Signs don’t work quite as effectively. He lives on a dead-end street and he has had a traffic trailer there and clocked people at sixty plus mph. It is a problem all over Hickory and in other cities too.

Alderwoman Patton advised that it was a problem because she walks her dog on that street and she has had to jump out of the road getting away from it. People speed 45-50 mph. Several pets have been killed. There is a disregard for people’s safety and what the laws are. She wanted to see greater enforcement and call your neighbors down if you see them speeding. Speak to them personally. She was in favor of any measure to slowdown that traffic. They do not have sidewalks in the area. You are actually walking in the street with your pets. There are walkers, runners, bikers, everything in that area. With no sidewalks it is very unsafe with the speed limit people just cruise right on past and don’t seem to care at all.

Mayor Pro Tempore Lail moved, seconded by Alderwoman Patton approval of Item “Q”. The motion carried unanimously.

Mayor Pro Tempore announced that he moved, seconded by Alderwoman Patton and the motion carried unanimously.

X. Informational Item

XI. New Business:

A. Public Hearings

1. Approved on First Reading Rezoning Petition 16-04, Petitioned by George Condeelis, Joseph Condeelis, Dianne Davenport, and Rosemary Penland for the Rezoning of Approximately Six Acres of Three Contiguous Properties Located at 3165, 3179, and 3181 S NC 127 Highway. The Petition is to Rezone the Properties from Low Density Residential (R-1) to Commercial Corridor (CC-2).

George Condeelis, Joseph Condeelis, Dianne Davenport, and Rosemary Penland have petitioned for the rezoning of approximately 6.60 acres of three contiguous properties located at 3165, 3179, and 3181 South NC 127 Highway. The petition is to rezone the properties from Low Density Residential (R-1) to Commercial Corridor (CC-2). The Hickory by Choice 2030 Comprehensive Plan classifies the vicinity as Commercial Corridor and Low Density Residential. The rezoning of the subject properties to Commercial Corridor (CC-2) is consistent with the goals and policies contained within the Hickory by Choice 2030 Comprehensive Plan. The Hickory Regional Planning Commission conducted a public hearing on July 27, 2016 to consider the petition and voted unanimously (8-0) to affirm the petition’s consistency with the Hickory by Choice 2030 Comprehensive Plan and recommended City Council’s approval of the petition. Staff concurs with the Commission’s findings and recommends City Council’s approval of Rezoning Petition 16-04.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on August 26, 2016 and September 2, 2016.

Interim City Manager Andrea Surratt advised Council that the request before Council was consideration of a Rezoning Petition. She asked the Planning and Development Director Brian Frazier to the podium to present the item to Council.

Planning and Development Director Brian Frazier presented Council with a PowerPoint presentation. He discussed Rezoning Petition 16-04. The applicants were the Condeelis Family, Dianne Davenport, and Rosemary Penland. The property was located at 3165, 3179, and 3181 S NC 127 in Mountain View. The property zoning was currently both (R1) Low Density Residential as well as (CC 2) Commercial Corridor. The entire property size was plus or minus 29.65 acres. The applicants requested that the City look at rezoning approximately six acres of the combined three existing properties from (R1) to (CC2). On the PowerPoint presentation he displayed a map pointing out north, downtown Hickory, NC 127 coming south from downtown. On the future land use map he pointed out the commercial corridor, neighborhood mixed use, and low density residential. The property was annexed into the City of Hickory limits about 10 years ago by City Council. He displayed the area in which they were proposing for rezoning. He explained the area was a mixture of both City of Hickory zoning as well as Catawba County zoning. He showed an aerial ortho photograph of the rezoning petition pointing out the subject area which contained three parcels and were all contiguous in the Mountain View community. He advised they were looking to have the area rezoned to (CC2). He showed the area that was already (CC2). Staff and the applicants were trying to line up both what is across the street and what was to the north and south and keep it in line with the existing zoning for both the City of Hickory as well as the County of Catawba. He showed another photo of the area of the subject property and pointed out a storage unit business, gas station, Subway, and a fast food restaurant. He showed a map of the zoning districts and pointed out the parcels to be rezoned, the parcels that were already (CC2), and the County zoning which was very similar in nature (HC) Highway Commercial. They were trying to line those up. The balance, the larger portions of the property in question another 24 acres, would remain (R1) Residential which was in keeping with the County's (R20). None of this would change, just along the highway itself in the commercial corridor area.

Mr. Frazier discussed the rezoning analysis. Hickory by Choice identifies the area as Commercial Corridor and Low Density Residential. It was consistent with the (CC2) and (R1) zoning designations. The corridor itself was characterized by automobile focused development with pedestrian accommodations, protection of residential areas, encouraging open space and pedestrian connectivity and alleviate conflicts in land use. The (CC2) zoning district does permit a variety of commercial uses such as professional office and retail. The (CC2) also permits a variety of residential uses such as single family residential, duplex, multi-family apartments, bed and breakfast, etc.

Mr. Frazier discussed the impacts of any proposed development or redevelopment which would be evaluated during a development review process by both City and County Staff and the Developers would be responsible for mitigating any and all impacts to the maximum legal extent. The traffic capacity of Highway 127 South in Mountain View would be evaluated by both City Staff and State Department of Transportation. They would make sure that Fire, Police, and public utilities capabilities were adequate and at least meet the standard in that area. There were no specific proposals for any type of development currently. On July 27, 2016 the Planning Commission considered the petition during the hearing only the owner, the owner's agent, and their attorney spoke in favor, no one spoke in opposition. There was one citizen who thought the applicants were trying to rezone her property, but when that was evaluated she did not have any concerns. The Planning Commission found the petition to be consistent with Hickory by Choice 2030 and voted unanimously, 8-0, to recommend the action to City Council. Staff concurred with the Planning Commission's findings and recommendations. He asked Council if they had any questions. He advised that the applicants and their attorney were present.

Alderman Seaver asked when you rezone part of a property like that does it have to be measured out and retitled so that the whole thing is zoned one way or another.

Mr. Frazier advised that they set fairly specific boundary lines and once that would be commercially developed the parcels would be redeveloped and this would be surveyed. They were looking at trying to line up the area from the centerline of the road back to the City Commercial and the County Commercial.

Alderman Seaver commented they are interested in probably selling it to a business or something like that.

Mr. Frazier replied yes, they would develop that area. Staff did not consider any kind of option or request to rezone the entire property commercial. That would be an intrusion into the existing residential area although it is fairly rural to some extent in this area of the Mountain View community. This was consistent with the Comp Plan and it lined up well with existing zoning from both the City and County perspectives.

Mayor Pro Tempore Lail explained the rules for conducting the public hearing. He declared the public hearing open and asked if there was anyone present to speak in opposition to the proposal. No one appeared. He asked if there was anyone present to speak in favor of the proposal.

PROPONENTS

Mr. George Condeelis, 2051 Gary Lane, Hickory, advised that he was one of the owners of the property. He had lived in Mountain View for 30 years. He had watched Mountain View grow and it was continuing to grow. He advised that all they wanted to do was to conform to what is already around them with the six acres. It had already been developed commercial on both sides of them. Across the street there was a Mexican restaurant, a real estate company right alongside them and Subway, and a gas station. He reiterated that they were looking to conform to what is already there. They believed it was in the best interest of the community also. They were looking to let the demand of the community dictate what goes on there in the front of the property. He thanked Council.

Ms. Dianne Davenport, 3 Ben Hogan Drive, Hendersonville, advised that she also was one of the owners, her brother was George Condeelis. She advised that everything he had said was what their goal was, just to conform to the property that was around them already, which was all commercial across the street and adjoining the property on both sides. She commented that it was Hickory by Choice's planning and they were all for that. She thanked Council.

Ms. Ellie Bradshaw, 629 2nd Avenue NW, advised she was present on behalf of the Condeelis family to ask Council to rezone the front portion of their property. She showed an aerial photo from Google Earth. She pointed out the Condeelis property. She showed the portion of the Condeelis property that was already zoned (C2). She pointed out the Subway, two gas stations, a Mexican restaurant, car wash, a performance car shop, and a tire shop. The property across the road, the property to the east, and below it were all commercial. They were asking, as Mr. Frazier and the Condeelis family had indicated, to make this area consistent with everything around it. One of the nodes here was the neighborhood commercial. She advised that the picture was out of date because there was an Advance Auto-parts here. The entire area was commercial. She commented that Alderman Seaver asked the question about whether it had to be subdivided because of the zoning. She stated that it did not. If you would look at the GIS on the parcel it would show split zoning and would tell you what those two zoning districts are. She advised there was also a layer on GIS that shows you the approximate boundaries of the zoning. But, when the property is developed it would have to be subdivided and that boundary shown exactly. That would be part of the subdivision review process that the Planning Staff goes through when that is presented to them to review the map and make sure the boundaries are correct.

Alderman Seaver questioned the access to the rest of their property.

Ms. Bradshaw advised that would also have to be part of any development. She pointed out the area of the current frontage. To get to the rear of the property they would have to provide for access which would probably be some sort of detailed plan. The Planning Office and Mr. Frazier and his Staff would have to look at that and approve it because they could not create an orphan property back there with no access.

Alderman Seaver asked if the big house that sat there was being lived in right now.

Ms. Bradshaw did not know the answer to that.

Mr. Condeelis responded yes.

Alderman Seaver commented there was always a lot of truck/trailers or something parked around it.

Ms. Davenport responded that tenant that was there is gone.

Alderman Seaver commented he didn't know if it was a business, or what it was there.

Ms. Bradshaw commented her clients hope was that would become a very nice area in the Mountain View community to serve the community. She advised that she had a lot of slides of other things around it but she felt that Council had driven 127 as she had. She advised she would be happy to answer any questions that Council had otherwise. She thanked Council for their time.

Mayor Pro Tempore Lail asked if anyone else wanted to speak in favor of the proposal. No one else appeared. He closed the public hearing.

Alderman Seaver moved, seconded by Alderman Tarlton approval of the Rezoning Petition 16-04. The motion carried unanimously.

Mayor Pro Tempore Lail announced that the motion was made by Alderman Seaver seconded by Alderman Tarlton and the motion carried unanimously.

ORDINANCE NO. 16-39

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE APPROXIMATELY 6 ACRES OF PROPERTY LOCATED AT 3165, 3179, AND 3181 S NC 127 HIGHWAY FROM LOW DENSITY RESIDENTIAL (R-1) TO COMMERCIAL CORRIDOR (CC-2).

WHEREAS, Article 2, Section 2.2 of the Hickory Land Development Code provides for amendments to the Official Zoning Atlas; and

WHEREAS, the City has been petitioned to rezone approximately 6.60 acres of property located at 3165, 3179, and 3181 S NC 127 Highway, more particularly described on Exhibit A attached hereto, to allow a Commercial Corridor (CC-2) district; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on July 27, 2016 and forwarded a recommendation of approval to the City Council; and

WHEREAS, Article 2 of the Hickory Land Development Code requires findings the proposed rezoning is in response to changing conditions and is reasonably necessary to promote the public health, safety and general welfare; and

WHEREAS, the City Council has found Petition 16-04 to be in conformance with the City's Land Development Plan and Zoning Ordinance,

NOW, THEREFORE, BE IT ORDAINED by the City Council of Hickory, North Carolina, THAT THE REZONING OF THE PROPERTY DESCRIBED IN EXHIBIT A is approved.

SECTION 1. Findings of fact.

1. The subject properties are located at 3165, 3179, and 3181 S NC 127 Highway, and further identified as PINs 2791-14-42-9844, 2791-14-42-0860, and 2791-18-42-3423.
2. The rezoning request is intended to further implement the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.
3. The rezoning of the property is consistent with the Hickory by Choice 2030 Comprehensive Plan.

SECTION 2. All ordinances or provisions of the Hickory City Code which are not in conformance with the provisions of the Amendment occurring herein are repealed as of the effective date of this Ordinance.

SECTION 3. Consistency Statement

Upon considering the matter, the Hickory City Council found:

1. The general area is classified as Commercial Corridor and Low Density Residential by the Hickory By Choice 2030 Comprehensive Plan;

2. The subject property is located in an area classified as Commercial Corridor and Low Density Residential by the HBC 2030 Comprehensive Plan. This classification would be consistent with a rezoning to a commercial corridor district.

Based upon these findings, the Hickory City Council has found Rezoning Petition 16-04 to be consistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

SECTION 4. This Ordinance shall become effective upon adoption.

2. Approved on First Reading Rezoning Petition 16-05, Petitioned by FJS & JC, LLC for the Rezoning of 1.014 Acres of Two Portions of Property Located at 5251 Hickory Boulevard. The Petition is to Rezone the Property from General Business (C-2) to Medium Density Residential – 2 (R-2).

FJS & JC, LLC have petitioned for the rezoning of 1.014 acres which consists of two portions of the property located at 5251 Hickory Boulevard. The petition is to rezone the property from General Business (C-2) to Medium Density Residential-2 (R-2). The Hickory by Choice 2030 Comprehensive Plan classifies the vicinity as General Business. The rezoning of the subject property to Medium Density Residential -2 (R-2) is inconsistent with the goals and policies contained within the Hickory by Choice 2030 Comprehensive Plan. However, the request to rezone the property to Medium Density Residential – 2 (R-2) represents a downzoning of the property, which means the requested zoning district is less intense and more restrictive than the existing district. The Hickory Regional Planning Commission conducted a public hearing on July 27, 2016 to consider the petition and voted unanimously (8-0) to affirm the petition's inconsistency with the Hickory by Choice 2030 Comprehensive Plan and recommended City Council's approval of the petition. Staff concurs with the recommendation of the Planning Commission and recommends City Council's approval of Rezoning Petition 16-05.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on August 26, 2016 and September 2, 2016.

Interim City Manager Andrea Surratt advised that the second public hearing was for consideration of Rezoning Petition by FJS & JC, LLC for the rezoning of 1.014 acres for property located at 5251 Hickory Boulevard, which is adjacent to the 321 bridge. She asked the City's Principal Planner Cal Overby to the podium to present the item to Council.

Principal Planner Cal Overby presented Council a PowerPoint presentation. He discussed Rezoning Petition 16-05 for property located at 5251 Hickory Boulevard in Caldwell County containing approximately 1.014 acres. He advised it was part of the City of Hickory's area that went across the lake to the north into Caldwell County. The property was currently zoned (C-2) which is General Business. The property was occupied by what was initially T-Bones, then Key West, and then another restaurant, and now a vacant restaurant to be reoccupied as a restaurant. The request was to rezone two portions of this property which total a little over an acre from (C-2) General Business to Medium Density Residential or (R-2). He showed the Hickory by Choice future land use map. He pointed out the subject property. He advised it was classified as General Business by the Future Land Use and Transportation Plan. The request to rezone the property to (R-2) was inconsistent with our plan. However, it did represent a down zoning of the property. By and large when you look at consistency with the plan, a lot of times you will see someone who is coming in to request an up zone of property, meaning to make the property much more intense by zoning the property that way. When you look at it from a down zoning standpoint you actually have someone voluntarily coming in and basically tying their own hands to some regard. He advised that was what Council was looking at in this instance. He showed the property located in Caldwell County which was actually in Hickory. He showed the properties on the south side of the Catawba River. He showed the areas to be rezoned on an aerial map. He advised that the applicants did provide a field survey showing the areas. He advised he had used latitude and longitude to create the maps. He pointed out the existing restaurant building which had been in existence for the better part of 15 years at that location. It was initially annexed into the City of Hickory prior to construction. He showed another area which was part of the City of Hickory, Lake Hickory Marina. He pointed out the residential neighborhoods which were zoned residential by Caldwell County. He pointed out two parcels which were in Hickory also which were zoned (R-2) Residential. Most of the properties were residential by Caldwell County. He pointed out the area which was Caldwell County's zoning (R-20) Residential which is fairly a low density type residential district. He pointed out the areas which were General Business, the

City of Hickory's zoning areas which were zoned (R-2) Residential. He pointed out the area on the south side of the lake which were industrial properties.

Mr. Overby advised that the request for rezoning was inconsistent with the plan but it does represent a down zoning of the property, meaning making it more restrictive, taking away some of the property owner's rights to the property to some regard there. If the rezoning was approved by Council it would theoretically permit for two single family dwellings to be built on these two properties, basically creating two residential lake front lots. Staff had evaluated them and they could in fact support a home if that was what was to be built on them. Staff evaluated public facilities there, and were available in the area in sufficient quantities to serve it should the two properties be rezoned and then subdivided. Facilities are in place to serve the properties.

Mr. Overby advised the Planning Commission reviewed the petition on July 27th, the owner and the owner's agent spoke in favor of the petition. Two nearby residents spoke but they were both concerned about the restaurant which has actually been there for a longtime. This petition doesn't have anything to do with the restaurant itself. Upon consideration the Planning Commission found that while it is inconsistent with the plan it was a reasonable request and it represented a down zoning of the property. They voted 8-0 unanimously to recommend City Staff approval of the petition. Staff concurred with the Planning Commission's findings. He asked for questions if Council had any.

Alderman Guess asked if he knew what the plans were for the future if it was rezoned.

Mr. Overby replied yes a little bit. However Mr. Neill was present, one of the property owners, and he would elude to some of the intentions that the property owners had there. In talking with them initially Mr. Overby understood that they were attempting to get dock permits from Duke on residential property.

Alderman Guess asked if as it exist you couldn't do that.

Mr. Overby responded no, you couldn't get commercial dock. You could get a residential dock, but not a commercial dock. It is another way to chase that avenue.

Alderman Seaver commented he thought that was the problem with the restaurant that was there before. They were looking for a dock. He asked if the restaurant was going to be under the new bridge when it was built.

Mr. Overby advised that the area that was being used as easements and fill are going to be close to it. The building is still there, it rather restricts access to it and some of the property adjacent, between it and the future 321. The plans that he observed the building itself would remain intact.

Alderman Seaver wanted to see an aerial photo of the height that the bridge is going to be.

Mayor Pro Tempore Lail asked if there were any other questions of Mr. Overby. He reiterated the rules for the public hearing. He declared the public hearing open and asked if there was anyone present to speak in opposition to the proposal.

OPPONENTS

Mr. Donald Moats, advised that he lived in Hickory Harbor Condominiums which are located in Caldwell County. He and most of his neighbors were opposed to the rezoning because of the advanced traffic that it is going to bring down there with homes. He commented that it was a really quiet area right now and they would like to keep it that way. Once these docks are built you are going to see a lot more lake traffic in there. Boats come flying under the bridge all of the time. He thought that it would be a hazard and he was opposed to it. He had seen where the bridge was coming in. He attended the meeting for the widening of 321. He commented it looks like in that area of land, the road that comes down between the restaurant and the condos will be extended under the bridge to get to the marina because the marina access will be cut-off when the new road gets built.

Mayor Pro Tempore Lail asked if anyone else wanted to speak against the proposal.

Ms. Marsha Amran advised she lived with Donald. She commented that Corbin Lane, the road that was being discussed coming down to the bridge was going to

be a big problem. Right now there is not a lot of room down there if you are thinking about bringing boats in and out of there. They have eight condos here. They feel like they are getting squished between those guys and building two houses down below them. She understood that was a flood zone behind where they are. She would hate to be in a flood zone. She agreed with everything Donald had said and they were opposed to it.

Mayor Pro Tempore Lail asked if there was anyone else who wanted to speak against it. No one else appeared. He asked if anyone wanted to speak in favor of the proposal to come forward.

PROPONENTS

Mr. Ed Neill addressed City Council. He advised that the request was temporary in nature. He distributed three maps to City Council. He advised it was to solve an error in Duke Power's shoreline management rules. They want allow a restaurant within a half of mile of the marina because according to their definitions there is no difference between a restaurant and a marina. Although, marinas have gas docks and service and sales, and sometimes a snack bar and sometimes a restaurant. A restaurant is simply a restaurant. They don't differentiate between boats slips that are 24/7 and boat slips that are temporary parking for a restaurant visit. He pointed out the City was going to spend a good deal of money on Lake Hickory. He commented that Paul Thompson, the CEO of Transportation Insight, sold his boat because there was nowhere to go on Lake Hickory. With Duke Power's blessings, having met with Wade Harmon, the only way to get docks for this restaurant is to rezone these two lots. They will not be built upon, because when the maps get around of the three DOT alternatives to provide access to the marina under the new bridge, they wrap around the restaurant building. In all three of those concepts the driveway wraps around the restaurant building and goes through these two lots under the bridge to the marina. They came up with the concept after Mr. Neill showed them how to save two million dollars by not cutting the bank on the east side down to double back from the next intersection to get into the marina. He had met with Duke and they told them how to come up with the docks. The restaurant itself is probably temporary in nature because the road widening itself will eliminate all of the parking in the front and the access road to the marina will wipe out some of the back and it will go through these two lots. He advised that this would make Lake Hickory more usable. It will add to the tax base of this property and it will create sales tax revenue for the City because they are going to put a great operator in there. He advised he would be eager to answer any questions about how they got into this dilemma to start with from an unsavory character that came through town. The Planning Board heard it and it was well discussed. He advised that the townhomes were located topographically above the restaurant building. There is a tract of land between them and the lake, they don't own it anymore. They don't have any lake access, they won't be on that tract of land, it belongs to a man in Florida. He didn't know why they would object to the limited amount of boats. It is really a more visual amenity. If you come across the bridge you are more likely to stop at this restaurant, even though you are in car, if you see some boats tied up in front of it. The restrictions on residential docks, you have to get them so small that you can't tie a lot of boats up anyway. The inconsistently in Duke's rules, the existing marina on the eastside of the bridge prevents them from being able to have any docks anyway other than this rezoning.

Mayor Pro Tempore asked if there was anyone else who would like to speak in favor of the proposal.

Mr. Matthew Miller addressed Council. He was in the process of opening a restaurant in that location. They are scheduled to open at the end of the month. They hope that this will be an added feature for the restaurant and help make it a viable business. He advised this was a temporary 4-5 year plan for them and their long term goal was to take this restaurant concept and move it with the appropriate permits to downtown underneath Warehouse 18. Hopefully by then the City Walk will be done and it will be a nice added feature along City Walk. They are building and creating a concept that they can lift up and move over here with all the equipment in the restaurant. That was a benefit to him. He thought that it was consistent with the desires of Hickory as evidence in the passing of the Bond Referendum to add extra features for young people, young adults, and older adults. In having extra things like the City Walk, and the Riverwalk for outdoor enjoyment. Although it is taking some time to get those features up and running this dock will take a very short amount of time to get up and running. With rezoning and appropriate approval they can hopefully have a small amount of residential docks to operational next summer and add a nice little feature to tie them over while they are waiting on the other big projects that we are working on in our City. He thanked Council.

Mayor Pro Tempore Lail asked if anyone else wished to speak in favor of the proposal. No one else appeared. He asked if the opponents would like to give rebuttal comments. No one appeared. He declared the public hearing closed.

Aldерwoman Patton moved, seconded by Alderman Guess approval of Rezoning Petition 16-05. The motion carried unanimously.

Mayor Pro Tempore Lail announced that the motion was made by Aldерwoman Patton seconded by Alderman Guess and the motion carried unanimously.

ORDINANCE NO. 16-40

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE APPROXIMATELY 1.014 ACRES OF PROPERTY LOCATED AT 5251 HICKORY BOULEVARD FROM GENERAL BUSINESS (C-2) TO MEDIUM DENSITY RESIDENTIAL – 2 (R-2).

WHEREAS, Article 2, Section 2.2 of the Hickory Land Development Code provides for amendments to the Official Zoning Atlas; and

WHEREAS, the City has been petitioned to rezone approximately 1.014 acres of property located at 5251 Hickory Boulevard, more particularly described on Exhibit A attached hereto, to allow a Medium Density Residential – 2 (R-2) district; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on July 27, 2016 and forwarded a recommendation of approval to the City Council; and

WHEREAS, Article 2 of the Hickory Land Development Code requires findings the proposed rezoning is in response to changing conditions and is reasonably necessary to promote the public health, safety and general welfare; and

WHEREAS, the City Council has found Petition 16-05 to be in conformance with the City's Land Development Plan and Zoning Ordinance,

NOW, THEREFORE, BE IT ORDAINED by the City Council of Hickory, North Carolina, THAT THE REZONING OF THE PROPERTY DESCRIBED IN EXHIBIT A is approved.

SECTION 1. Findings of fact.

1. The subject property is located at 5251 Hickory Boulevard, and further identified as PIN 2793-39-9764.
2. The rezoning request is intended to further implement the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.
3. The rezoning of the property is inconsistent with the Hickory by Choice 2030 Comprehensive Plan, but a reasonable request.

SECTION 2. All ordinances or provisions of the Hickory City Code which are not in conformance with the provisions of the Amendment occurring herein are repealed as of the effective date of this Ordinance.

SECTION 3. Consistency Statement

Upon considering the matter, the Hickory City Council found:

1. The general area is located classified as General Business by the Hickory By Choice 2030 Comprehensive Plan;
2. The Hickory by Choice 2030 plan does not specifically reference this particular portion of US 321, but the plan's future land use map identifies the area as being an area that could accommodate a variety of commercial and office uses. It should also be noted, the much of the area adjacent to the subject property in the jurisdictional area of Caldwell County, is zoned specifically for single- family residential uses.
3. The subject property is located in an area classified as General Business by the HBC 2030 Comprehensive Plan. This classification would be inconsistent with a rezoning to a single-family residential district. However, the owners are requesting that proposed rezoning, which, as previously stated, constitutes a downzoning of the property.

Based upon these findings, the Hickory City Council has found Rezoning Petition 16-05 to be inconsistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

SECTION 4. This Ordinance shall become effective upon adoption.

B. Departmental Reports:

1. Appointments to Boards and Commissions

BUSINESS DEVELOPMENT COMMITTEE
(Terms Expiring 6-30; 2 Year Terms) (Appointed by City Council)
At-Large (Council Appoints) VACANT

CITIZENS ADVISORY COMMITTEE
(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
At-Large (Council Appoints) VACANT
At-Large (Council Appoints) VACANT

COMMUNITY APPEARANCE COMMISSION
(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 3 (Seaver Appoints) VACANT
Ward 4 (Guess Appoints) VACANT
At-Large (Outside City but within Hickory Regional Planning Area)
(Council Appoints) VACANT
At Large (Council Appoints) VACANT

COMMUNITY RELATIONS COUNCIL
(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Other Minority (Council Appoints) VACANT
Other Minority (Council Appoints) VACANT

HICKORY REGIONAL PLANNING COMMISSION
(Terms Expiring 6-30; 3-Year Terms With Unlimited Appointments)
Burke County (Mayor to Nominate) VACANT

HISTORIC PRESERVATION COMMISSION
(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Historic Properties (Council Appoints) VACANT
Building Trades Profession (Council Appoints) VACANT

Mayor Pro Tempore Lail stated in Mayor Wright's absence he would read into the record Mayor Wright's nominations of Thomas Dobbins, At-Large Representative and Dale Rockensuess as the Building Trades Profession Representative for the Historic Preservation Commission. Alderman Tarlton seconded the nominations.

INTERNATIONAL COUNCIL
(Appointed by Mayor with the Concurrence of City Council)
(6) Positions VACANT

Alderman Seaver nominated Justin Davis to the International Council, Alderwoman Patton seconded the nomination.

LIBRARY ADVISORY BOARD
(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (Guess Appoints) VACANT
At-Large (Mayor Appoints) VACANT

PARKS AND RECREATION COMMISSION
(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
At-Large (2) (Council Appoints) VACANT
At-Large (3) (Council Appoints) VACANT

PUBLIC ART COMMISSION
(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
At-Large (Mayor Appoints) VACANT

PUBLIC HOUSING AUTHORITY
(Terms Expiring 6-30; 5-Year Terms) (Appointed by the Mayor)
Position 9
VACANT

<u>RECYCLING ADVISORY BOARD</u>	
(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)	
Ward 2 (Tarlton Appoints)	VACANT
Ward 3 (Seaver Appoints)	VACANT
Ward 4 (Guess Appoints)	VACANT
At-Large (Council Appoints)	VACANT
At-Large (Council Appoints)	VACANT

<u>YOUTH COUNCIL</u>	
(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)	
St. Stephens High School Representatives	2 Positions VACANT
At-Large Representatives	3 Positions VACANT
Challenger High School Representative	1 Position VACANT

Council voted on the above nominations, and the motions carried unanimously.

- C. Presentation of Petitions and Requests
- XII.

Matters Not on Agenda (requires majority vote of Council to consider)
- XIII.

General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature
- XIV.

There being no further business, the meeting adjourned at 8:02 p.m.

Mayor Pro Tempore Lail

City Clerk